

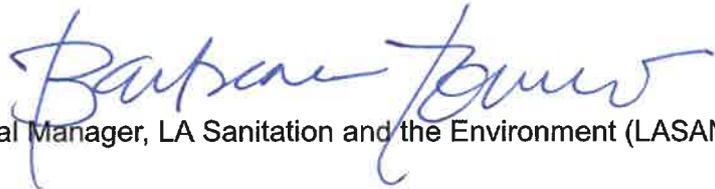
CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

DATE: September 29, 2022

TO: Honorable Mitch O'Farrell, Chair
Honorable Paul Koretz, Member
Honorable Kevin De Leon, Member
Honorable Paul Krekorian, Member
Honorable Gilbert Cedillo, Member
Energy, Climate Change, Environmental Justice and River Committee

FROM: Barbara Romero,
Director and General Manager, LA Sanitation and the Environment (LASAN)



SUBJECT: STATUS UPDATE ON STEPS NECESSARY TO COMPLY WITH STATE MANDATED SB 1383 (COUNCIL FILE NO : 21-1208)

On March 9, 2022, the City Council approved the Energy, Climate Change, Environmental Justice and River (ECCEJR) Report (CF 21-1208) on the steps necessary to comply with the mandatory Senate Bill 1383 regulations to reduce organic waste disposal by 75 percent by 2025; and the ability to develop a phased approach to compliance.

RECOMMENDATION

In response to Council File Number 21-1208, LA Sanitation and Environment (LASAN) hereby recommends that the Los Angeles City Council request the Office of the City Attorney, with the assistance of LASAN, to prepare a mandatory organics waste disposal reduction ordinance, that will be in full compliance with the requirements of the State mandated SB 1383 regulations. The ordinance should include but not be limited to the following key elements.

- Require that all single family residential, multifamily residential and commercial properties must participate in the City's three bin system
- Require that all single family residential, multifamily residential and commercial properties must place the appropriate material in each bin (no contamination)
- Require that commercial businesses (not multifamily) must provide recycling and organic bins inside their business wherever solid waste bins are provided

- Require that commercial businesses (not multifamily) to provide recycling and organics outreach and education
- Require that Tier one (Jan 2022) and Tier two (Jan 2024) commercial edible food generators must contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services
- Require that Tier one (Jan 2022) and Tier two (Jan 2024) commercial edible food generators must allow for inspection and keep records
- Require that all food rescue organizations and food recovery services must keep records, report tonnages, as well as reporting tonnage capacity
- Allow City to inspect all customer's sites for compliance and review of records enforcement
- Establish that violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and/or taking Enforcement Action.
- Establish a list of violations
- Set penalties for non-compliance (effective Jan 2024)
- Requirement for the City to procure organics
- Requirement for the City to purchase paper products with a minimum 30 percent post-consumer recycled content
- Establish the option for developing a waiver program
- Require all businesses that self-haule or back-haul organics to obtain an AB 939 Compliance Permit and maintain records

BACKGROUND

On February 14, 2022, LASAN reported to the ECCEJR committee in regard to the necessary State compliance elements of the SB 1383 regulations requiring reduction in organic waste disposal by 75 percent by 2025. The six major State compliance elements included: 1) Collection and Processing, 2) Outreach and Education, 3) Edible Food Recovery Program, 4) Capacity Planning, 5) Procurement, and 6) Monitoring, Inspection, Compliance, and Enforcement. Additional details on the six major compliance elements can be found in the LASAN report back to Motion 21-1208 dated February 14, 2022 (Attachment 1).

Also consistent with the ECCEJR committee instructions of February 17, 2022 approved by the Council on March 9, 2022, LASAN prepared an implementation timeline addressing the deficiencies and gaps identified by CalRecycle, including the requirements for an SB 1383 enforceable ordinance. The Council approved timeline included plans for city adoption of an ordinance by winter of 2022. LASAN transmitted its plan to CalRecycle on June 2, 2022 and it was approved by the CalRecycle Board on June 21, 2022 (Attachment 2).

Update on SB 1383 Program Activities

With the assistance of the Council and the Mayor, the City-serviced Residential Organics Collection Program of commingled food and green waste was expanded from 18,000

households to 40,000 households starting July 2022. The City is on target to further expand the program to all 750,000 households serviced by LASAN by the end of 2022. LASAN is committed to conducting education and outreach and providing residents with kitchen pails for the collection of kitchen food scraps prior to placement in their green bin. LASAN staff are currently finalizing contract negotiations with vendors to process up to 3,000 tons per day of commingled organics. LASAN will need the assistance of the CAO and the Council to expedite the review and execution of the multi-year contracts in order to launch the Citywide residential organics program in December of 2022.

recycLA Organics Program

recycLA Service Providers (RSPs) are required to offer source-separated organic services to all commercial and multi-family customers, and also to provide organics services upon request by a customer. Since January 2022, the City and the RSPs have been providing outreach and education to recycLA customers regarding SB 1383 requirements for organics service, including surplus food donation. The RSPs have been reinforcing the message through their quarterly newsletters. The newsletters are available on the RSPs' websites and via social media. In January 2022, there were 2,764 recycLA customers participating in organics collection. As a result of RSPs' continuous outreach efforts, there are currently 5,282 recycLA customers participating in organics collection, as of September 1, 2022.

Additionally, the RSPs are contractually required to develop partnerships with non-profit organizations for food rescue and material reuse. These partnerships require the RSPs to provide financial support to food rescue and material reuse organizations through direct funding and in-kind services. As of June 2022, the RSPs have funded \$2,463,726 for food rescue programs and have kept 20,580 tons of food from being landfilled, an equivalent of 34,300,050 meals.

SB 1383 Compliance Ordinance

SB 1383 regulations require jurisdictions to adopt an enforceable ordinance on commercial and residential food waste generators. Under SB 1383, each jurisdiction is accountable for generators' compliance, and CalRecycle may fine or penalize the jurisdiction for non-compliant programs beginning in 2022. Enforcement involves an escalating process with timelines beginning with a Notice of Violation (NOV), followed by a Corrective Action Plan and penalties of up to \$10,000 per day until compliance is achieved. Additionally, non-compliance with the enforceable ordinance requirement has made the City ineligible for funding to offset the cost of outreach, as well as other possible financial relief. The mandatory organics ordinance required by the State should include but not be limited to the items listed in the recommendation section above. Some elements of the SB 1383 regulations, such as the requirement to adopt certain CALGreen Building Standards and Model Water Efficient 23 Landscape Ordinance, are already addressed in existing City code and policies.

SB 1383 Cost Impacts

The full implementation of SB 1383 has financial impacts for both the residential customers serviced by LASAN and the multi-family and commercial customers serviced by recycLA Service Providers. The exact financial impact on ratepayers serviced by LASAN will be determined after completion of the organic contract negotiation for tip fees, and Council approval of such contracts. LASAN will consult with the City Administrative Officer and the Chief Legislative Analyst to determine the total financial impact on City ratepayers and how the financial burden can best be mitigated.

The implementation of SB 1383 regulations will likely result in increased cost to many multifamily and commercial properties. Some of this cost may be mitigated by customers that fully utilize the recycling incentives built into the recycLA contract by decreasing their solid waste service and increasing blue service.

Conclusion

SB 1383 is a landmark legislation that will help reduce California greenhouse gas emissions, and establish an enforceable statewide reduction of organic waste disposed of in landfills. It is worth noting that the Mayor and the Council have set similar ambitious goals to achieve 90% diversion of material from landfills by 2025, 95% by 2035, and 100% by 2050. Additionally the Mayor's Green New Deal set goals to provide food scraps collection to residential customers and City-serviced facilities with the intent to eliminate organic waste going into landfills by 2028. It is imperative that the City adopt an organics ordinance to be in full compliance with SB 1383, prevent enforcement action, and establish the City's eligibility for various state offered financial assistance programs.

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June 2, 2022

ELECTRONIC MAIL

Jennifer Wallin
Section Manager
Local Assistance and Market Development
California Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

RE: REQUEST FOR PLAN TO INCREASE COMPLIANCE WITH MANDATORY COMMERCIAL ORGANICS RECYCLING PROGRAM

Dear Ms. Wallin:

The City of Los Angeles (City) is providing this letter as a reply to your "Request for Plan to Increase Compliance with Mandatory Commercial Organics Recycling Program" letter dated April 25, 2022, in which the City is requested to submit a Plan to address the gaps of non-compliance with AB 1826 and SB 1383.

We are excited to inform you that the City has implemented multiple successful solid waste diversion programs and is in the process of launching new programs with the aim of increasing edible food capture and recovery, and diversion of solid waste from landfills. The following information explains how Los Angeles Sanitation and Environment (LASAN) plans to meet the state Mandatory Organic Recycling requirements.

1. Passing an Ordinance

LASAN is proposing to adopt an ordinance that is consistent with CalRecycle and addresses all the items listed in your letter. The timeline for adoption of an ordinance is typically a 6-month process from when Council directs for ordinance to be drafted. Our proposed timeline assumes an accelerated process and that the City has identified funding sources to implement elements of the program.

The following is the proposed timeline for the adoption of the ordinance.

Pass an ordinance that addresses all the elements of SB 1383	
<i>Task</i>	<i>Proposed Timeline</i>
LASAN staff will coordinate with elected offices to create a Citywide relief fund to help eligible businesses impacted by the COVID-19 pandemic, comply with the Mandatory Organic Recycling Program	Now – Until the end of 2022
LASAN determine the number of businesses that qualify for de minimis waivers and share info with CalRecycle	Fall 2022
City Council requests City Attorney to draft ordinance	Fall 2022
Council consideration of the draft ordinance	Winter 2022

2. Commercial Organics Expansion Program

In compliance with SB 1383, LASAN staff has reviewed the current 65,000 commercial accounts and classified them by the following Tiers: Tier 1, Tier 2 and other.

Tier 1 Edible Food Generators (EFG)

Tier 1 EFG: SB 1383 defines Tier 1 generators to include supermarkets, grocery stores with a total facility size equal to or greater than 10,000 square feet, food service providers, food distributors, and wholesale food vendors. The recoverable edible food generated from Tier 1 sites will include fresh produce, meat, dairy, eggs, packaged and prepared foods.

Action planned: LASAN staff in coordination with the commercial Franchise Haulers has determined that there are 514 accounts that fall into Tier 1. One hundred and forty-one (141) of Tier 1 has subscribed to the organic services as mandated under SB 1383. LASAN Environmental Compliance Inspectors will continue outreach and education to complete on-boarding of the remaining 373 Tier I EFG to organics

services by September 2022. In addition, LASAN will direct all Tier I EFG to contract with the City's non-profit Food Rescue Organizations (FRO) or Food Recovery Services (FRS) to recover the maximum amount of edible food that would otherwise be disposed of.

Tier 2 Edible Food Generators (EFG)

Tier 2 EFG: SB 1383 defines Tier 2 edible food generators to include large hospitals, hotels, large venues, large events, large restaurants, large state agency facilities, and schools with an on-site food facility. The recoverable edible food generated from Tier 2 sites will be mostly prepared foods, some packaged food, and small quantities of whole foods. Tier 2 EFG are required to participate in food recovery services by January 1, 2024.

Action Planned: LASAN staff in coordination with the Franchise Haulers has determined that there are 951 accounts that fall into Tier 2. Two hundred and seventy-five (275) have subscribed to the organic services. If these businesses meet the definition of AB 1826, LASAN will reach out to the 676 businesses starting winter 2022 through the Franchise Haulers newsletters to require them to sign up to the organic services as required by AB 1826 & SB 1383.

If any of these businesses do not fall under the definition of AB 1826 (less than 2cy/week), then LASAN will reach out to the 676 businesses starting on March 1, 2023 and require them to sign up to the organic services as required under SB 1383. In addition, LASAN will direct all Tier 2 EFG to contract with the City's non-profit Food Rescue Organizations (FRO) or Food Recovery Services (FRS) to recover the maximum amount of edible food that would otherwise be disposed of.

Other Commercial Businesses Subject to AB 1826

AB 1826 defines businesses as those that generate 2cy/week or more of trash, recycling, and organics (Note: Multifamily complexes of 5 units or more are not subject to recovering food and food soiled paper.)

Action Planned: LASAN staff in coordination with the recycLA Franchise Haulers has determined that there are 30,411 accounts that fall into the definition and do not yet have green container collection service (nor do they have two-container collection service where organic waste is being processed at a City certified high diversion organic waste processing facility) or have been issued a waiver from green container service. Of those, 3,131 have subscribed to the organic services. LASAN will reach out to the 30,411 businesses through the Franchise Haulers newsletters and websites starting Winter 2022 and require them to sign up to the organic services as required under AB 1826 & SB 1383. It's worth noting that as of to date LASAN has not issued any waivers.

3. Residential Organics Program

With respect to residential organics diversion, LASAN is on target to expand the current food waste collection program from 18,000 households to 40,000 households starting July 2022, and to further expand the program to all 750,000 households serviced by LASAN by the end of 2022. LASAN is committed to conducting education and outreach and providing residents with kitchen pails for collection of food scraps prior to placement in their green bin.

4. Zero Waste Facilities & Events

On February 16, 2022 the LA City Council directed LASAN to implement Zero Waste programs at City Facilities and Events immediately. In January 2023, LASAN staff will be providing zero waste training to all City employees, will begin organics collection at City facilities events, and will work to phase out single-use plastics in city departments. LA City Council has also directed city departments to abide by SB 1383 recycled-content paper procurement requirements.

5. Outreach, Education & Engagement

Since January 2022 the City and the commercial Franchise Haulers have been providing outreach and education regarding AB 1826 and SB 1383 requirements for organics service, including surplus food donation. The commercial franchise haulers have been reinforcing the message through their quarterly newsletters total of their commercial customers. The newsletters are also available on the franchise haulers' and LASAN's websites and social media. The Franchise Haulers Zero Waste Representatives have also been concentrating their onsite recruitment efforts on Tier 1 and Tier 2 generators to ensure they are aware of the legislations' requirements. It's worth noting that LASAN has provided AB 1826 outreach and education since 2014 when Governor Brown signed AB 1826 into law. LASAN provided direct mailers, and posted Information on our website, as well as provided brochures and flyers at all LASAN events. The legislation has also been included in the Welcome Packets and outreach materials since the Franchise Haulers began their transition in 2017.

In addition, since January 2022 when SB 1383 legislation was released, LASAN began working in partnership with the County of LA to develop outreach and education materials and surveys to be sent to every FRO and FRS in the City. LASAN consolidated a list of over 12,000 possible EFG within the City's boundaries and sent them the outreach materials and surveys. LASAN then began vetting the lists through phone calls and emails to develop the City's Tier 1 and Tier 2 EFG list.

In October of 2021, LASAN began working to build a list of the business associations that represent the EFG businesses in the City, developed a SB 1383 Food Rescue presentation, and has been reaching out to the associations to offer the presentations at their meetings. Over the past six months, presentations have been conducted at over sixty different business associations meetings, including the CA Grocers Association, the CA Retailers Association, the American Beverage Association, the LA Area Chamber of Commerce, the CA Restaurant Association, and the Hotel Association of Los Angeles. LASAN has also delivered three presentations on SB 1383 to business associations, including: The Food Industry Business Roundtable, the Greater Miracle Mile Chamber of Commerce, and the LA Downtown Center Business Improvement District.

LASAN is also a member of the industry specific Food Rescue Task Force convened by the Los Angeles Food Policy Council. The task force is working on cross-sector collaborations regarding food insecurity and supply chain issues that create infrastructure gaps in the food rescue network. By participating in this work, LASAN is able to understand and develop more focused solutions and funding opportunities that will build the needed capacity to serve more vulnerable communities throughout the City and beyond our borders. The opportunity to collaborate with FROs provides another mechanism to outreach and educate Tier 1 and Tier 2 EFG. The EFG will thus receive SB 1383 information from the Franchise Haulers, the FRO, and LASAN. As LASAN further develops our Food Rescue Programs, the SB 1383 auditing requirements will also be included.

6. Multifamily Properties

Multifamily units serviced by LASAN staff currently have access to blue bins and where appropriate they participate in the green waste collection. Starting December 2022 all multifamily units serviced by LASAN will have access to the organic food waste program. Owners of multifamily complexes of five units or more have been provided blue bins and shall be required to subscribe to organics (food waste and food-soiled paper) collection service beginning July 1, 2023.

7. Expansion of Food Recovery Network & Local Composting Sites

The City has allocated over \$3 million to expand edible food recovery/rescue and collection of food waste for beneficial composting. The programs are expected to be launched by October 2022. The City has formed partnerships with several local nonprofit organizations to address food insecurity in South, Los Angeles. The City

will provide grants to support Food Recovery Organizations (FROs) in their efforts to glean and transfer edible food from the wholesale produce market into communities in need. Increased system-wide capacity for FROs will have tangible benefits not only for the areas within which the FROs operate, but due to the interconnectivity of the charitable food network as a whole, systemic capacity improvements will be felt across the region. Greater availability and variety of recovered food overall will also benefit organizations that do not actively engage in food recovery as these organizations rely heavily on food donations from FROs. For example, hunger relief organizations within South Los Angeles that rely on donations of recovered food, including programs like A Place Called Home, Central Neighborhood Health Foundation, and many others, will see improvements in available food for distribution due to the direct improvements of food recovery in other areas of the City.

The food waste to compost collection program is scheduled to be launched in October 2022 and will provide 25 locations throughout the city for residents to drop off food waste, and pick-up bags of compost at no charge to residents.

8. Contamination Reduction & Minimization

Curbside Program:

LASAN has developed a multipronged approach to identify and address contamination in the City's residential curbside collection program. This approach includes waste characterizations and route reviews. LASAN's recently awarded contracts for solid waste disposal and the processing of recyclables includes requirements for contractors to perform waste characterization. LASAN is in the process of negotiating new contracts to process organics. These new organics processing contracts will also require waste characterizations.

LASAN currently has eight (8) Ambassadors to work with residents on proper recycling and contamination reduction. The Ambassadors will provide inspections of the solid waste loads (black, blue, and green) at City and City-contracted facilities to ensure compliance with container contamination minimization requirements, as well as provide targeted education and engagement with residents on proper use of the bins. Ambassadors will be able to better assess the benefits and challenges happening in our communities so that LASAN may have better insight on how to best service them.

recycLA Commercial Franchise:

As part of the recycLA contracts each recycLA Service Provider (RSP) is required to perform waste characterization on solid waste, recycling, and organics. Combined the RSPs annually perform 780 waste characterizations on solid waste, 780 on recycling, and 550 on organic waste. The data from each waste characterization is reported to the City. Each RSP is also contractually required to monitor customers' bins for contamination. When contamination is observed, customers are notified of the contamination. In addition, the RSP notifies the City of contamination instances through electronic service requests. Since the recycLA program was fully implemented in February 2018 the RSP have issued nearly 21,000 contamination notices.

9. Monitoring & Enforcement

The City maintains a database (MyLA 311) of all issues reported for both the residential curbside and recycLA programs. LASAN ambassadors and inspectors will conduct inspections and reviews regarding alleged non-compliance and take the necessary steps to notify entities of the various SB 1383 requirements.

Records of all complaints, inspection dates, notices, follow-ups, and investigation status will be kept in the City's database. Additionally, LASAN has been looking into software and reporting solutions for maintaining SB 1383 complaint and implementation records.

recycLA Commercial Franchise:

LASAN manages a team of 47 recycLA inspectors. This group is responsible for ensuring all businesses and multifamily properties within the City of Los Angeles are compliant with recycLA service requirements. The inspectors also work with the RSPs, business organizations, apartment associations, and individual businesses

and multifamily properties through field canvassing and routine inspections to identify establishments without recycLA service.

The recycLA Inspection Group is tasked with verification, outreach and education, and, as necessary, enforcement of compliance with Section 66.03 of the Los Angeles Municipal Code (L.A.M.C.), requiring all commercial and multifamily properties to subscribe to solid waste and recycling services. The objective of this effort is to identify those commercial establishments and multifamily dwellings that currently do not have solid waste service, notify them about the benefits of the recycLA program including food rescue, and the importance of subscribing to trash, organics and recycling service, to achieve compliance or move them to progressive enforcement action for non-compliance.

10. Status Check-Ins with CalRecycle

LASAN will participate in regular check-ins with CalRecycle staff regarding the status of LASAN's compliance with its Formal Plan. These status check-ins will be held upon request of CalRecycle staff.

The City appreciates the opportunity to provide CalRecycle with this Formal Plan for compliance with mandatory organics requirements. Should you have any questions please do not hesitate to contact Alex E. Helou, Assistant General Manager, at (213) 485-2210.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara Romero". The signature is fluid and cursive, with a large initial "B" and "R".

Barbara Romero
Director and General Manager
LA Sanitation and Environment

cc: Primitivo Nunez, Unit Supervisor, LAMD, CalRecycle
Mia Hunt, Environmental Scientist, LAMD, CalRecycle

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: Thursday, February 14, 2022

TO: Honorable Mitch O'Farrell, Chair
Honorable Paul Koretz, Member
Honorable Kevin De Leon, Member
Honorable Paul Krekorian, Member
Honorable Gilbert Cedillo, Member
Energy, Climate Change, Environmental Justice and River Committee

FROM: Barbara Romero, Director and General Manager, LA Sanitation and Environment (LASAN)


SUBJECT: REPORT ON SENATE BILL 1383 (SB 1383) COMPLIANCE AND PROGRAM RECOMMENDATIONS

INTRODUCTION

On December 07, 2021, the Energy, Climate Change, Environmental Justice and River (ECCEJR) Committee passed City Council Motion 21-1208 (Motion). The Motion instructed LA Sanitation and Environment (LASAN) to:

1. Report to the City Council within 60 days on the steps necessary to comply with the CalRecycle regulations to reduce organic waste disposal by 75% by 2025; and the ability to develop a phased approach to compliance, and;
2. With the assistance of the City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) report on the potential impact of the CalRecycle regulations on the ratepayers and methods and approaches to provide relief to ratepayers and minimize potential impacts.

RECOMMENDATIONS

In response to the Los Angeles City Council Motion 21-1208 (Motion), LASAN is hereby recommending to the Los Angeles City Council the following actions with a summary of estimated costs in Table 1 below:

Recommendation 1: That Council direct LASAN to expand the residential organics collection program from 18,000 to 40,000 residential customers starting July 1, 2022 pursuant to SB 1383. The estimated cost for the expansion to 40,000 residential customers inclusive of the cost to purchase residential kitchen counter top pails and perform public outreach and education will equate to approximately \$100,000 in FY 21-22.

Recommendation 2: That Council direct LASAN to expand the residential organics collection program from 40,000 to 750,000 residential customers by December 31, 2022, pursuant to SB 1383 and pending approval of the funds and contracts required to implement the program.

Recommendation 3: That Council consider the ongoing and pervasive impacts of the COVID-19 Pandemic on residents of the City, to determine if the City can assume the cost of expansion while LASAN determines the need for a rate adjustment.

Recommendation 4: That Council direct LASAN, the Bureau of Contract Administration (BCA), and the CAO to expedite the review and contract execution process of the received proposals from the Residential Organics Request for Proposals (RFP), such the contracts are executed by the Summer of 2022.

Recommendation 5: That Council direct LASAN to report back on the implementation and compliance plan relative to the commercial and multifamily sectors.

Table 1:

Estimated Fiscal Year 21-22 and 22-23 Compliance Costs for the Residential Program

Compliance Element		Fiscal Year 21-22 and 22-23 Estimated Cost
1	Collection and Processing Estimated Tip Fee Costs for Phased Approach	\$26,400,000
2	Purchase of Kitchen Counter-Top Pails	\$3,400,000
4	Education and Outreach to all LASAN Residential Customers*	\$3,750,000
Total Cost		\$33,550,000

*Funding for this compliance element has been applied for through a CalRecycle grant

BACKGROUND

The City of Los Angeles' aggressive measures to combat further climate impacts resulted in reducing LA's greenhouse gas (GHG) emissions to 24% below the 1990 levels, making Los Angeles on track to meet the Paris Climate Agreement by 2030.

In 2016, the California State Legislature adopted Senate Bill 1383 (SB 1383) to reduce short-lived climate pollutants as another step to combat global warming and greenhouse gas emissions. The bill sought to achieve reduction in statewide emissions of methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below the 2014 levels by 2030. Specific organic reduction goals were carved out in SB 1383 to reduce the statewide disposal of organics by 50% by 2020, and by 75% by 2025 compared to the 2014 levels. SB 1383 also requires that no less than 20% of edible food that is currently disposed of is recovered for human consumption by 2025.

Prior to and after the introduction of SB 1383, both Council and Mayor implemented multiple aggressive environmental policies and programs to address climate change, food insecurity and advance the goals of environmental justice. In addition, Council and Mayor directed City departments to achieve zero waste (90% landfill diversion) by 2025; and further increase landfill diversion to 95% by 2035, and no waste to landfills by 2050. In addition Mayor Garcetti's Green New Deal (GND) calls for the elimination of organic waste going to landfills by 2028.

In order to achieve the ambitious goals set by Council, the City's GND, and SB 1383, various programs are being developed and implemented by LASAN including: launching a citywide residential food scraps collection program in 2019, establishing food scrap drop-offs and local composting hubs, creation of organics processing infrastructure, recovering edible food, and leading by example through Zero-Waste City events and City facilities. These programs align with and exceed the goals and requirements set out in SB 1383.

In December 2020, CalRecycle finalized the regulations to meet the SB 1383 targets. The final regulations have prescribed programs for jurisdictions to follow, including acceptable programs, technologies, education, bin labeling, reporting, enforcement, and procurement requirements.

The purpose of this report is to inform the City Council about the 20 main elements of SB 1383 regulations, the City's current organic programs, status of the discussions with CalRecycle, and recommended next steps.

ORGANIC WASTE IMPACTS AND ESTIMATED QUANTITIES

The City disposes approximately 2.5 million tons of waste to the landfills each year as reported by LASAN collection services and the recycLA service providers. Approximately one million tons of this waste is generated from the residential sector, and the other 1.5 million is generated from the commercial, industrial, large multifamily sectors, and others.

SB 1383 defines organic waste as “*solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.*”

Organic materials can be further separated into *compostable* versus *non-compostable materials*. Readily compostable materials would include food waste, green waste, landscape and pruning waste, wood, lumber, biosolids, digestates, and sludges. These types of materials could either be composted or anaerobically digested (*digestible*). Non-compostable materials would include most textiles, carpets, and rubber. Paper waste may or may not be readily compostable or digestible, depending on factors such as coatings and other additives. Paper towels, napkins, and tissues are more easily compostable than other paper wastes that may include coatings or plastic liners. The addition of fiber-based materials to an organic waste or recycling program will have to be vetted prior to acceptance to ensure that that material is beneficially reused.

In 2014 and 2018, CalRecycle reported in their Facility-Based Characterization of Solid Waste reports that food waste ranked at the top of the most prevalent material disposed of in California. For both commercial and residential sectors, the waste stream consisted of about 20% food waste. Other compostable organics (i.e., leaves, grass, prunings, trimmings, branches, stumps, lumber, and manures) were shown to increase in both the residential and commercial sectors from 2014 to 2018.

A local waste characterization was conducted in August 2015 on City of LA material received at Sunshine Canyon Landfill (SCL). The study is called the “Sunshine Canyon Landfill Comprehensive Waste Characterization Study” and was conducted by EcoTelesis International and Tetra Tech, Inc. From the residential samples, 16.6% of the material was food waste; 3.3% was of green waste (i.e., leaves, grass, branches, twigs, stumps); 21.7% was paper waste; and 12.5% was textile, carpet, and other organics. From the commercial samples, 20.3% of the material was food waste; 5.3% was of green waste (i.e., leaves, grass, branches, twigs, stumps); 26.4% was paper waste; and 11.4% was textile, carpet, and other organics. A comparison of the studies are found in Table 2 and Table 3 below.

Table 2.*Comparison of Waste Characterization Studies for Residential Sectors*

Material Type	CalRecycle, 2014 Residential (%)	Calrecycle, 2018 Residential (%)	City of LA , 2016 Residential (%)
Food Waste	21.9	19.9	16.6
Green Waste	9.8	12.1	5.8
Paper Waste	19.2	19.5	21.7
Textiles, Carpets, Others	13.5	8.0*	12.5
Total	64.4	59.5	56.6

Note: *Residential organic textile percentage was reported as 1.9%.

Table 3.*Comparison of Waste Characterization Studies for Commercial Sectors*

Material Type	CalRecycle, 2014 Commercial (%)	Calrecycle, 2018 Commercial (%)	City of LA, 2016 Commercial (%)
Food Waste	20.1	20.0	20.3
Green Waste	7.9	15.7	7.4
Paper Waste	20.4	16.6	26.4
Textiles, Carpets, Others	6.8	3.7**	11.4
Total	55.2	56.0	65.5

Note: ** Commercial organic textile percentage was reported as 1.2%.

As evidenced by Table 2 above, the City of Los Angeles residential organic green material programs have significantly reduced the organic material disposed of at landfill. While the State has reported green waste landfill disposal of 12.1%, the City’s residential disposal of green material was at 5.8%. This means the City of Los Angeles was able to divert 109% more than the state average, a 1 fold reduction.

Table 4 shows the estimated amount of waste in tons that Council has directed LASAN to divert from landfills by 2025. One million tons is through the executed recycLA programs and the remaining through the LASAN residential collection program.

Table 4.

Tons of Material Potentially Diverted from Landfills Annually by Sector (Based on SCL Study)

Material Type	Residential (tons)	recycLA (tons)
Food Wastes	166,000	304,831
Green Waste	58,000	111,120
Paper Waste	217,000	396,430
Other Organics	125,000	171,185
Total Potential Organics Diversion	566,000	983,566

SB 1383 MAJOR ELEMENTS

Compliance with SB 1383 falls into 20 major compliance elements which are listed below in bold and italics:

A. Collection and Processing:

1. Provide organic waste collection services to all organic waste generators

Curbside Program:

Since 1990, LASAN has provided residential customers with green organic collection bins. LASAN has also provided backyard composting workshops for over 20 years educating residents on composting their food waste at home and providing discounts on compost bins purchased through the City.

In order to divert food waste from landfills and reduce GHG, LASAN began piloting a residential collection program in 2019 titled Curb Your Food Waste LA (CYFWLA). This program allowed residents to commingle green waste and food waste into their green bin. This pilot was provided to 18,000 households throughout the City in all 15 Council Districts. Short term contracts were executed with vendors that had the ability to process this newly commingled material through commercial composting and anaerobic digestion. LASAN utilized nonprofit organizations (Pacoima Beautiful and LACC) to help conduct the outreach and education efforts.

To expand the program Citywide, LASAN released a Request for Proposals (RFP) in October 2021 to solicit and negotiate contracts with vendors that have the ability to process commingled organic waste from the City's curbside program. Proposals were received in December 2021 and are currently being evaluated.

Once the funding and contracts are approved by Council, LASAN will be able to begin expansion of the curbside commingled organics collection to the remaining 750,000 residential customers using recommendations and best practices learned from the CYWFLA pilot program.

Next Steps:

LASAN will be able to expand the program from the 18,000 households currently in the pilot to the total 750,000 households once the funding for the tip fees is approved and the new organics contracts have been executed. With Council approval, LASAN can expand the program from 18,000 households to 40,000 households starting July 1, 2022. The remaining 710,000 households will be able to participate starting on December 31, 2022.

Compliance with this aggressive timeline will require expedited review of the RFP proposals by the Bureau of Contract Administration, Mayor's Office and CAO as well as a prioritized review by the City Attorney's office. The newly executed organic waste contracts will also require an increase in the City's residential tip fee budget due to the higher tip fee costs of processing the commingled organic waste.

recycLA Commercial Franchise:

In 2017, the City launched recycLA, a new public-private partnership with recycLA Service Providers (RSPs). Through recycLA, all commercial businesses were automatically provided with black bin and blue bin service. RSPs are required to offer source-separated organic services to all customers, and to provide them if requested by a customer. Customers are informed of the requirements of SB 1383 and they can subscribe to the program. The maximum rate for organic services is set in the existing contracts and is equivalent to trash rates.

The recycLA haulers are contractually obligated to achieve a reduction of one million tons disposed per year by the year 2025, of which organics make up 21%. If the RSPs do not achieve these reduction goals, they will face liquidated damages as early as 2023.

2. Provide collection containers that comply with color requirements

LASAN's curbside collection program and the recycLA commercial franchise already have a three-bin system with colors that are compliant with the requirements of SB 1383. For the residential organics program, LASAN will look to offer kitchen counter top pails available for residents upon request to assist with separating their food scraps from the black-bin. Starting in 2036, the City can no longer utilize brown color bins for horse manure.

3. Label all new containers or lids with SB 1383 compliant labels

Curbside Program:

Labels for the green-bin will be distributed to customers as food waste recycling is expanded. Black-bin and blue-bin labeling for accepted materials and prohibited contaminants will be rolled out starting in 2022.

RecycLA Program:

The recycLA program bin labels are already compliant for the black, blue, and green-bins.

B. Outreach and Education:

4. Annually provide all generators information on properly separating materials and environmental impacts

LASAN is developing an overall outreach strategy to notify customers (both residential and commercial) of the requirements of SB 1383. These strategies will begin to be implemented in 2022. The citywide outreach campaign will provide uniform messaging for all residents and generators with print and radio advertising, bus and truck signs, citywide workshops, and more.

Curbside Program:

LASAN's green-bin and blue-bin programs collect approximately 425,000 and 220,000 tons of material for processing and recovery each year, respectively. In order to educate residents and ensure higher diversion of organics from the landfills, there is a need for permanent funding of printed materials, educational information, and advertising (print, video, giveaways and social platforms) specifically targeting contamination issues. LASAN over the years has provided this information through its social media platforms and at community events where education can be provided directly to residents. Additionally, LASAN Ambassadors will perform direct monitoring and inspection of bins to ensure materials are properly separated into their appropriate bins. When contamination is found, outreach and appropriate messaging can be made directly through a conversation with the resident or by leaving behind educational materials.

recycLA Commercial Franchise:

Businesses were notified to work with their respective RSP to establish organic waste recycling services. Public education and outreach materials were also created and placed on LASAN's fleet of solid waste collection vehicles as well as those of the RSPs. Communal messaging and education was also provided online through social media and websites as well as public outreach events.

5. Annually provide self-haulers with information regarding their requirements

All self-haulers operating within the City must apply for and obtain an annual registration from LASAN. Compliance information, including the requirements of SB 1383, are provided as part of the self-hauler application process.

6. Annually provide Tier One and Tier Two commercial edible food generators with required information

LASAN has been working in conjunction with the RSPs to identify Tier One and Tier Two Commercial Edible Food Generators (EFGs) and notify them of the edible food recovery requirements of SB 1383.

LASAN has requested that all of the RSPs complete and forward their Tier One and Tier Two lists by February 28, 2022 so that the generator lists can be combined into one master list that will be reported in March to LA County Public Works.

7. Provide translated communications materials for non-English speakers

As part of the overall outreach strategy for both residential and commercial customers, translation of outreach materials is being developed at minimum in 10 languages that are most commonly spoken throughout the City of Los Angeles based on census tract data.

C. Edible Food Recovery Program:

8. Implement food recovery program that educates commercial generators and increases access to edible food recovery

LASAN will be establishing grant funds to support food rescue in food insecure communities in the amount of \$1,000,000 as approved in the City budget for Fiscal Year 21-22. These grants will support food rescue organizations in low-income communities and to expand their food distribution efforts. One of the major components of recycLA is the food rescue program. The RSPs have partnered with food rescue and reuse organizations to promote to their customers the benefits of donating edible surplus food. The RSPs are contractually required to develop partnerships with food rescue and materials reuse non-profit organizations. The two ways that an RSP can partner with a food rescue organization are through donations (monetary or equipment) or in-kind services.

From January 1, 2018 through November 30, 2021, the recycLA food partnerships have:

- Rescued approximately 16,792.16 tons of food (equal to approximately 28 million meals)
- Diverted approximately 2,273.47 tons to material reuse
- Funded \$2,657,845.26 to support food rescue organizations and material reuse

To date, twenty-three non-profit food rescue organizations have partnered with the RSPs. These partnerships have continued to build public awareness of recycLA's food rescue programs and created new beneficial "Before the Bin" programs.

9. Notify Food Rescue and Food Service Organizations of requirements

LASAN has been working in conjunction with the County to identify Food Rescue and Food Service Organizations and provide outreach regarding the SB 1383 requirements, including, but not limited to, establishing contracts or agreements with Food Rescue Organizations and reporting rescued food tonnages and capacities to the City.

10. Develop and maintain list of food recovery organizations

LASAN has been working in conjunction with the RSPs, County Public Health, and County Public Works in identifying the food recovery organizations located within, as well as accepting rescued food from, the City of LA. This compiled list along with the information gathered from surveys of the FRO's and the RSPs will be provided on the LASAN website.

D. Capacity Planning:

11. Estimate the amount of organic waste disposed, verifiable organic waste recycling capacity available

Curbside Program:

LASAN's organic waste tonnage from the residential curbside has been estimated based on waste characterization data. Ongoing waste characterization information will be needed for waste estimates and capacity planning. On the curbside program, LASAN has existing waste characterization requirements for the blue-bin and green-bin contracts. Additional funding and contracts will be needed for waste characterization of the black-bin. Capacity for organic waste recycling for curbside has recently been identified through the newly released RFP.

recycLA Commercial Franchise:

Waste characterization of the commercial green-bin will begin by Spring 2022. Capacity for the commercial side is identified through the recycLA certification program. The recycLA contracts include in excess of \$200 million for investment in recycling and processing infrastructure.

12. Estimate the edible food that will be disposed by applicable generators, identify food recovery capacity available

Estimates for edible food disposal are being evaluated based on CalRecycle 2018 waste characterization data. Edible food recovery capacity is being evaluated through surveys and outreach to food recovery organizations in the City of LA.

E. Procurement:

13. Procure recovered organics

Based on calculations determined by CalRecycle, the City must procure the equivalent of approximately 325,000 tons of organics. Currently, approximately 75,000 tons have been identified from existing procurement and production of mulch/compost used by City facilities and residents. Work is ongoing to identify and procure necessary equivalent recovered organics including renewable natural gas and electricity produced from California diverted organic waste for transportation purposes. This planning work is ongoing with LASAN's fleet operations, the RSPs fleet, and providers such as So Cal Gas and LA Department of Water and Power (LADWP).

14. Establish policy of purchasing paper products with at least 30% post-consumer, recycled content fibers

As part of the City Zero Waste plan, policies for paper product procurement that will meet the 30% post-consumer content are being implemented as part of the overall environmentally preferable purchasing policies of the City. Discussions are ongoing with the City's General Services Department (GSD) to update procurement guidelines and requirements.

F. Monitoring, Inspection, Compliance, and Enforcement:

15. Jurisdictions may use an ordinance or other enforceable mechanisms as appropriate, requiring compliance with various sections of SB 1383

LASAN is coordinating with CalRecycle on this element of the program.

16. Contamination review and notification

Curbside Program:

LASAN has requested permanent funding of ten Ambassadors for the contamination reduction program beginning in FY 22-23. Having the ability to hire more Ambassadors to educate residents according to their needs is of utmost importance. Los Angeles is a diverse, multicultural City, with many languages spoken and this is a culture shift. LASAN needs to have the ability to reach out to residents in multiple languages as well as through multiple media and outreach tools to decrease contamination in the bins and help the City reach its zero waste goals.

The need for Ambassadors is to provide inspections of the solid waste loads (black, blue, and green) at City and City-contracted facilities to ensure compliance with container contamination minimization requirements, as well as provide targeted education and engagement with residents on proper use of the bins. Ambassadors will be able to better assess the benefits and challenges happening in our communities so that LASAN may have better insight on how to best service them. The public outreach will center upon contamination issues which have not been addressed in more recent years, and contamination has increased up to 40% in the blue-bin and up to 20% in the green-bin.

recycLA Commercial Franchise:

Each RSP monitors customers' bins for contamination. When contamination is observed, customers are notified of the contamination. In addition, the RSP notifies the City of contamination instances through electronic service requests.

17. Implement inspection and compliance program

The inspection and compliance program will commence in 2024. Additional staffing resources will be needed for the increased inspection and enforcement workload. The staffing resource request, with associated analysis, will be included in the FY 23-24 budget request.

18. Provide educational materials to non-compliant entities

LASAN ambassadors and inspectors as part of their inspections and reviews will provide outreach material to entities on the requirements of the program and resources from LASAN to assist in achieving compliance with SB 1383. Out of 65,000 recycLA customers, only about 2,000 can be categorized as compliant with an organic waste subscription with the RSPs.

19. Investigate and maintain records of all complaints received alleging non-compliance with SB 1383

The City maintains a database (MyLA 311) of all complaints reported for both the curbside and recycLA programs. LASAN ambassadors and inspectors will conduct inspections and reviews regarding alleged non-compliance and take the necessary steps to notify entities of the various SB 1383 requirements. Records of all complaints, inspection dates, notices, follow-ups, and investigation status will be kept in the City's database. Additionally, LASAN has been looking into software and reporting solutions for maintaining SB 1383 complaint and implementation records.

20. Take enforcement actions, including issuing notices of violations and assessing penalties in amounts consistent with those specified in SB 1383 starting in 2024

Per SB 1383, starting in 2024, LASAN is required to begin enforcement actions against non-compliant entities identified through the inspection and compliance program.

COMPLIANCE DISCUSSIONS WITH CALRECYCLE

The City has been in communication with CalRecycle regarding the City's ongoing efforts toward reducing organics in the landfill and compliance with the SB 1383 regulations. CalRecycle recognizes the great strides the City has made in organic diversion and greenhouse gas reductions. Despite these efforts, CalRecycle identified a few areas where they believe changes are required to bring the City into full and complete compliance with SB 1383.

While the City has come a long way towards compliance with the policies and requirements of SB 1383 we need to align our strategies to comply with the remaining requirements including the adoption of an enforceable ordinance, in a phased approach with the guidance of the Council. Numerous Council actions and Mayoral directives for City departments are aligned with the goals of SB 1383 including the Citywide waste reduction goals of 90% diversion of waste from landfills by 2025, 95% by 2035, and 100% by 2050. Discussions are ongoing and LASAN will report back to the committee as progress is made toward these requirements.